THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.18692 of 2007

03.09.2007

Between

Mohd.Muneeruddin

…Petitioner

And

The Government of Andhra Pradesh, rep.by its Principal Secretary, Law Department, Secretariat, Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.18692 of 2007

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the Presiding Officer, A.P.Wakf Tribunal, Hyderabad in passing orders in O.S.Nos.115 and 120 of 2006 as illegal, arbitrary, discriminatory, miscarriage of justice and against the principles of natural justice and consequently seeking a direction to the seventh respondent to implement the order passed in O.S.No.112 of 2001.

According to the petitioner, the Wakf Tribunal passed an order in his favour in O.S.No.112 of 2001, while at the instance of the sixth respondent, in

O.S.Nos.115 and 120 of 2006, the Wakf Tribunal passed contrary and inconsistent orders. The petitioner claims that he is a tenant of suit mulgi of the sixth respondent situated at Jam-e- Masjid Moazzampura, Mallepaly, Hyderabad on a monthly rent of Rs.200/-. However, as the sixth respondent illegally dispossessed him, he filed O.S.No.112 of 2001, where favourable order was passed by the Wakf Tribunal. Subsequently, though a revision was filed by the sixth respondent being C.R.P.No.6178 of 2003 before this Court which was allowed setting aside the judgment of the Wakf Tribunal and remitting the matter to the Wakf Tribunal for fresh consideration, ultimately the Wakf Tribunal rendered judgment in favour of the petitioner directing the sixth respondent not to interfere with the possession of the petitioner till he is evicted in accordance with law. Thereafter, the sixth respondent filed suits, being O.S.Nos.115 and 120 of 2006, and obtained orders of eviction. According to the petitioner, the judgments that were passed by the Wakf Tribunal in the suits filed by him and the sixth respondent are inconsistent. Therefore, the present writ petition.

The learned counsel appearing for the Wakf Board, on the other hand, stated that the petitioner has got an effective remedy of revision before this Court under Section 83(9) of the Wakf Act, 1995.

Heard both sides and considered the material on record.

In view of the effective alternative remedy available to the petitioner, the writ petition is not maintainable and the same is accordingly dismissed, at the stage of admission. No costs.

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03.09.2007

VGB